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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/542,151

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930108-2020

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12/23/2008

EXAMINER

GIRMA, FEKADESELEASS

ART UNIT

PAPER NUMBER

2612

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DELIVERY MODE

12/23/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/542,151	<b>Applicant(s)</b> RAMUS, MICHEL	
	<b>Examiner</b> Fekadeselassie Girma	<b>Art Unit</b> 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10/08/2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 July 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Status of the Claims***

**1.** The amendment filed on August 10, 2008 has amended claims 1- 8, and no claim has been added or cancelled. Therefore, claims 1-8 are currently pending in the application.

### ***Objection to Drawings***

**2.** The drawings are objected to under 37 CFR 1.83(a) because Fig. 1a, Fig. 1b, Fig. 2, & Fig. 3 fail to show details in the drawings as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of

the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

In addition to Replacement Sheets containing the corrected drawing figure(s), applicant is required to submit a marked-up copy of each Replacement Sheet including annotations indicating the changes made to the previous version. The marked-up copy must be clearly labeled as "Annotated Sheets" and must be presented in the amendment or remarks section that explains the change(s) to the drawings. See 37 CFR 1.121(d)(1). Failure to timely submit the proposed drawing and marked-up copy will result in the abandonment of the application.

### ***Claim Rejections - 35 USC § 102***

**3.** The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**4.** Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Dykema (US Patent 5442340).

As to claim 1, Dykema discloses Trainable RF transmitter including attenuation control that has the following claimed limitations:  
a command transmitter met by remote control transmitter (Fig. 3, item 40); a bi-directional command transmitter-receiver met by Transceiver (Fig. 2, item 55); activating and interrupting successively read on Col. 2, Lines 62-67 & Col. 4, Lines 39-50 (note: Voltage controlled oscillator output signal only when the switch 70 closes and the Voltage controlled oscillator disabled when the switch is closed and interruption is successive); a programming mode send information to the command transmitter by way of amplitude-modulated RF signals read on Col. 4, Lines 51-58. (Note: The amplitude of the transmission signal is controlled responsive to an amplitude control signal is a method of amplitude modulation); an electric signals for operation mode by frequency modulation read on Col. 2, Lines 48-54 & Claim 1.

As to claim 2, Dykema further discloses the command transmitter is comprises a series of transmissions and of interruptions read on Col. 4, Lines 28-50.

As to claim 3, Dykema further discloses the sent information comprises an identification code met by code (Col. 2, Lines 59-62).

As to claim 4, Dykema further discloses an antenna coupled to means for reception read on (Fig. 3, items 80, 72, 81, 82); a means for transmission is

coupled to the antenna and means for activating and disabling read on Fig. 3, item 73, 71, 90, 72.

As to claim 5, Dykema further discloses a means for transmission comprises an amplifying circuit read on Col. 4, Lines 15-23;

As to claim 6, Dykema further discloses a logic processing unit and a control circuit met by microcontroller (Fig. 3, item 57, 62, 66).

As to claim 7, Dykema further discloses means of control of the power supply of the amplifying Fig. 3, item 70, Col. 4, Lines 40-50, & Col. 4, Lines 15-23.

As to claim 8, the claim is interpreted and rejected as claim 1 and 4 as stated above.

### ***Response to Arguments***

**5.** Applicant's arguments filed on August 10, 2008 with respect to the rejection(s) of claim(s) 1-8 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, new ground(s) of rejections have been made as stated above.

### ***Citation of Other Prior Arts***

**6.** The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Blaker, Trainable transmitter having improved frequency synthesis, (US Patent 6703941) and Heitschel, System for establishing a code and controlling operation of equipment, (US 4988992).

### ***Conclusion***

**7.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fekadeselassie (Fred) Girma whose telephone number is (571) 270-5886. The examiner can normally be reached on Monday thru Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free)? If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/FG/

/Daniel Wu/  
Supervisory Patent Examiner, Art Unit 2612